THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 14605 of 2007

Dated 9th July 2007

Between:

Radha Institute for Mentally Retarded,
Kothapet road, Hyderabad & another

... Petitioners

and

The Regional Transport Authority,
R.R.District & another

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 14605 OF 2007

O R D E R:

The vehicle of the petitioner, bearing No.AP-29T-1552 was seized on 27.06.2007, on the ground that the petitioners failed to produce the necessary documents, in relation to it. The petitioners challenge the seizure.

Heard the learned counsel for the petitioners and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 27.06.2007, issued by the 2nd respondent, discloses that the petitioners did not produce Permit, Driving Licence, Fitness Certificate and proof of payment of tax. Certain other lapses were also pointed out. The liability of the

petitioners, in the context of these observations, needs to be established, in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioners would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioners to keep the custody of the vehicle. Normally this court would insist on payment of certain amount for release of the vehicle, even as a temporary measure. However, having regard to the fact that the vehicle is used for transporting mentally retarded children, this court is of the view that no such condition be imposed.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) The vehicle, bearing No. AP-29T-1552, shall be released to the petitioners, on condition that the petitioners furnish an undertaking, to the effect that they shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that they shall produce the vehicle, as and when required by the respondents.

b) The petitioners shall be entitled to operate the vehicle, after ensuring that the vehicle is covered with necessary documents.

There shall be no order as to costs.

9th July 2007

Note: Issue operative portion by wire.

(B/o)

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